



IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006_1328A
Naoki NAGAHARA et al. : **Confirmation No. 6045**
Serial No. 10/591,164 : Group Art Unit 1618
Filed August 30, 2006 : Examiner Paul W. Dickinson
STABLE CAPSULE
PREPARATION : **Mail Stop: AMENDMENT**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of August 5, 2009, constituting a Restriction Requirement of the main components of the capsule shell from (A) polyethylene glycol (claim 3), (B) polysaccharide (claims 4-5), and (C) polyethylene glycol and pullulan (claim 6), Applicants elect to prosecute the subject matter of (B) polysaccharide (claims 4-5), without traverse. Further, Applicants are required to elect a species of polysaccharide. Applicants elect the species pullulan. Claims 1, 2 and 4-24 read on the elected species.

Applicants emphasize that the foregoing election is made while reserving the rights under 35 U.S.C. § 121 to file a divisional application for non-elected subject matter.

Favorable action on the merits is respectfully requested.

Respectfully submitted,

Naoki NAGAHARA et al.

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The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975.